"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 48] रायपुर, शुक्रवार, दिनांक 1 दिसम्बर 2017—अग्रहायण 10, शक 1939

विषय—सूची

भाग 1.—(1) राज्य शासन के आदेश, (2) विभाग प्रमुखों के आदेश, (3) उच्च न्यायालय के आदेश और अधिसूचनाएं, (4) राज्य शासन के संकल्प, (5) भारत शासन के आदेश और अधिसूचनाएं, (6) निर्वाचन आयोग, भारत की अधिसूचनाएं, (7) लोक-भाषा परिशिष्ट.

भाग 2.—स्थानीय निकाय की अधिसूचनाएं.

भाग 3.—(1) विज्ञापन और विविध सूचनाएं, (2) सांख्यिकीय सूचनाएं.

भाग 4.—(क) (1) छत्तीसगढ़ विधेयक, (2) प्रवर समिति के प्रतिवेदन, (3) संसद में पुर:स्थापित विधेयक, (ख) (1) अध्यादेश, (2) छत्तीसगढ़ अधिनियम, (3) संसद् के अधिनियम, (ग) (1) प्रारूप नियम, (2) अंतिम नियम.

भाग १

राज्य शासन के आदेश

सामान्य प्रशासन विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 30 अक्टूबर 2017

क्रमांक ई 1-01/2017/1-2.—राज्य शासन एतद्द्वारा श्री पुष्पेन्द्र कुमार मीणा, भा.प्र.से. (2012), अतिरिक्त मुख्य कार्यपालन अधिकारी, छत्तीसगढ़ इंफोटेक प्रमोशन सोसायटी (चिप्स), रायपुर को अस्थायी रूप से आगामी आदेश पर्यन्त चीफ ऑपरेटिंग ऑफिसर, चिप्स के पद पर पदस्थ करता है.

श्री पुष्पेन्द्र कुमार मीणा द्वारा कार्यभार ग्रहण करने के दिनांक से चीफ ऑपरेटिंग ऑफिसर, चिप्स के पद को राज्य शासन, भारतीय प्रशासनिक सेवा (वेतन) नियमावली, 2016 के नियम-12 के तहत प्रतिष्ठा एवं जिम्मेदारी में भारतीय प्रशासनिक सेवा के वरिष्ठ श्रेणी वेतनमान के संवर्गीय पद के समकक्ष घोषित करता है.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2017.

नया रायपुर, दिनांक 31 अक्टूबर 2017

क्रमांक ई 1-1-2017/1/2.—राज्य शासन एतद्द्वारा श्री एम. के. राऊत, भा.प्र.से. (1984) के दिनांक 30 नवंबर, 2017 को सेवानिवृत्त होने पर श्री आर. पी. मण्डल, भा.प्र.से. (1987), प्रमुख सचिव, वन विभाग तथा श्रम विभाग को अस्थायी रूप से आगामी आदेश पर्यन्त् प्रमुख सचिव, पंचायत एवं ग्रामीण विकास विभाग के पद पर पदस्थ करते हुए विकास आयुक्त एवं महानिदेशक, ठा. प्यारेलाल पंचायत एवं ग्रामीण विकास संस्थान (एसआईआरडी), रायपुर को अतिरिक्त कार्यभार सौंपता है.

2. श्री सी. के. खेतान, भा.प्र.से. (1987), महानिदेशक, प्रशासन अकादमी, रायपुर को अस्थायी रूप से आगामी आदेश पर्यन्त् श्री आर. पी. मण्डल, भा.प्र.से. (1987) द्वारा प्रमुख सचिव, पंचायत एवं ग्रामीण विकास विभाग के कार्यभार ग्रहण करने के दिनांक से प्रमुख सचिव, वन विभाग के पद पर पदस्थ करता है.

3. सोनमणि बोरा, भा.प्र.से. (1999), सचिव, समाज कल्याण तथा खेल एवं युवा कल्याण विभाग को अस्थायी रूप से आगामी आदेश पर्यन्त् श्री गणेश शंकर मिश्रा, भा.प्र.से. (1994), सचिव, जल संसाधन तथा सचिव, धार्मिक न्यास एवं धर्मस्व विभाग के दिनांक 31-10-2017 को सेवानिवृत्त होने पर सचिव, जल संसाधन तथा धार्मिक न्यास एवं धर्मस्व विभाग के पद पर पदस्थ करता है.

4. श्री देवी दयाल सिंह, भा.प्र.से. (2000), सचिव, सहकारिता विभाग तथा सामान्य प्रशासन विभाग को अस्थायी रूप से आगामी आदेश पर्यन्त् श्री अशोक अग्रवाल, भा.प्र.से. (2000) के राज्य सूचना आयुक्त के पद पर नियुक्ति होने के फलस्वरूप सचिव, वाणिज्यिक कर (आबकारी एवं पंजीयन) के पद पर पदस्थ करते हुए आयुक्त, आबकारी, प्रबंध संचालक, छ.ग. राज्य बेवरेजेस कार्पोरेशन एवं प्रबंध संचालक, छ.ग. स्टेट मार्केटिंग कार्पोरेशन का अतिरिक्त कार्यभार सौंपता है.

5. श्री अविनाश चंपावत, भा.प्र.से. (2003), श्रमायुक्त, छत्तीसगढ़ तथा संचालक, खेल एवं युवा कल्याण को अस्थायी रूप से आगामी आदेश पर्यन्त् संभागायुक्त, सरगुजा संभाग, अंबिकापुर के पद पर पदस्थ करता है.

6. सुश्री रीता शांडिल्य, भा.प्र.से. (2003), संभागायुक्त, सरगुजा संभाग, अंबिकापुर को अस्थायी रूप से आगामी आदेश पर्यन्त् विशेष सचिव (स्वतंत्र प्रभार), सामान्य प्रशासन विभाग के पद पर पदस्थ करते हुए विशेष सचिव (स्वतंत्र प्रभार), सहकारिता विभाग का अतिरिक्त कार्यभार सौंपता है.

7. श्री प्रसन्ना आर., भा.प्र.से. (2004), आयुक्त, स्वास्थ्य सेवायें तथा मिशन संचालक, राष्ट्रीय ग्रामीण स्वास्थ्य मिशन, रायपुर को अस्थायी रूप से आगामी आदेश पर्यन्त् विशेष सचिव, (स्वतंत्र प्रभार), समाज कल्याण तथा खेल एवं युवा कल्याण विभाग के पद पर पदस्थ करते हुए आयुक्त, नि:शक्तजन का अतिरिक्त कार्यभार सौंपता है.

8. सुश्री आर. शंगीता, भा.प्र.से. (2005), विशेष सचिव, सामान्य प्रशासन विभाग को अस्थायी रूप से आगामी आदेश पर्यन्त् अपने वर्तमान कर्तव्यों के साथ-साथ विशेष सचिव (स्वतंत्र प्रभार), श्रम विभाग एवं श्रमायुक्त, छत्तीसगढ़ का अतिरिक्त कार्यभार सौंपता है.

9. श्री धर्मेश कुमार साहू, भा.प्र.से. (2010), रजिस्ट्रार, पंडित रविशंकर शुक्ल विश्वविद्यालय, रायपुर को अस्थायी रूप से आगामी आदेश पर्यन्त् संचालक, खेल एवं युवा कल्याण के पद पर पदस्थ करता है.

10. श्री सर्वेश्वर नरेन्द्र भूरे, भा.प्र.से. (2011), उप सचिव,सहकारिता विभाग को अस्थायी रूप से आगामी आदेश पर्यन्त् मिशन संचालक, राष्ट्रीय ग्रामीण स्वास्थ्य मिशन, रायपुर के पद पर पदस्थ करता है.

नया रायपुर, दिनांक 31 अक्टूबर 2017

क्रमांक ई-1-09/2017/2.—राज्य शासन एतद्द्वारा श्री अमित अग्रवाल, भा.प्र.से. (1993) जो वर्तमान में भारत सरकार के अधीन केन्द्रीय प्रतिनियुक्ति पर है, को उनसे कनिष्ठ श्रीमती ऋचा शर्मा, भा.प्र.से. (1994) के प्रमुख सचिव वेतनमान में कार्यभार ग्रहण करने के दिनांक से भाप्रसे (वेतन) नियम, 2007 के नियम 3 (3) के परन्तुक के अंतर्गत प्रमुख सचिव वेतनमान (पुनरीक्षित Pay Band 67000-79000) Pay Matrix Level-15 में प्रोफार्मा पदोन्नति प्रदान करता है.

(2) श्रीमती ऋचा शर्मा, भा.प्र.से. (1994) को कार्यभार ग्रहण करने के दिनांक से प्रमुख सचिव वेतनमान (पुनरीक्षित Pay Band 67000-79000) Pay Matrix Level-15 में पदोन्नत करते हुए अस्थाई रूप से आगामी आदेश तक प्रमुख सचिव, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता संरक्षण विभाग के पद पर पदस्थ करता है.

(3) श्रीमती निधि छिब्बर, भा.प्र.से. (1994) जो वर्तमान में भारत सरकार के अधीन केन्द्रीय प्रतिनियुक्ति पर है, को उनसे कनिष्ठ श्री विकास शील, भा.प्र.से. (1994) के प्रमुख सचिव वेतनमान में कार्यभार ग्रहण करने के दिनांक से, भाप्रसे (वेतन) नियम, 2007 के नियम 3 (3) के परन्तुक के अंतर्गत प्रमुख सचिव वेतनमान (पुनरीक्षित Pay Band 67000-79000) Pay Matrix Level-15 में प्रोफार्मा पदोन्नति प्रदान करता है.

(4) श्री विकास शील, भा.प्र.से. (1994) को कार्यभार ग्रहण करने के दिनांक से प्रमुख सचिव वेतनमान (पुनरीक्षित Pay Band 67000-79000) Pay Matrix Level-15 में पदोन्नत करते हुए अस्थाई रूप से आगामी आदेश तक प्रमुख सचिव, स्कूल शिक्षा विभाग के पद पर पदस्थ करता है. साथ ही अध्यक्ष, छत्तीसगढ़ माध्यमिक शिक्षा मंडल एवं प्रमुख सचिव, सामान्य प्रशासन विभाग का अतिरिक्त प्रभार भी सौंपता है.

(5) श्री मनोज कुमार पिंगुआ, भा.प्र.से. (1994) जो वर्तमान में भारत सरकार के अधीन केन्द्रीय प्रतिनियुक्ति पर है, को उनसे कनिष्ठ श्री गणेश शंकर मिश्रा, भा.प्र.से. (1994) के प्रमुख सचिव वेतनमान में कार्यभार ग्रहण करने के दिनांक से भाप्रसे (वेतन) नियम, 2007 के नियम 3(3) के परन्तुक के अंतर्गत प्रमुख सचिव वेतनमान (पुनरीक्षित Pay Band 67000-79000) Pay Matrix Level-15 में प्रोफार्मा पदोन्नति प्रदान करता है.

(6) श्री गणेश शंकर मिश्रा, भा.प्र.से. (1994) को कार्यभार ग्रहण करने के दिनांक से प्रमुख सचिव वेतनमान (पुनरीक्षित Pay Band 67000-79000) Pay Matrix Level-15 में पदोन्नत करते हुए अस्थाई रूप से आगामी आदेश तक प्रमुख सचिव, जल संसाधन विभाग के पद पर पदस्थ करता है. साथ ही प्रमुख सचिव, धार्मिक न्यास एवं धर्मस्व विभाग का अतिरिक्त प्रभार भी सौंपता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
विवेक ढाँड, मुख्य सचिव.

स्वास्थ्य एवं परिवार कल्याण तथा चिकित्सा शिक्षा विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 2 नवम्बर 2017

क्रमांक एफ 02-18/2010/नौ/55-तीन.—राज्य शासन "छत्तीसगढ़ आयुष स्नातक पाठ्यक्रम में प्रवेश नियम, 2014" में निम्नलिखित संशोधन करता है, अर्थात् :—

संशोधन

उक्त नियमों में,

नियम 4 में अनारक्षित श्रेणी के न्यूनतम "30 प्रतिशत" अंक के स्थान पर "15 प्रतिशत" अंक तथा आरक्षित श्रेणी के न्यूनतम "20 प्रतिशत" अंक के स्थान पर "10 प्रतिशत" अंक प्रतिस्थापित किया जाता है.

यह संशोधन शैक्षणिक सत्र 2017-18 हेतु लागू होगा.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुब्रत साहू, प्रमुख सचिव.

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 23 सितम्बर 2017

क्रमांक 8843/2700/21-ब/छ.ग./2017.—राज्य शासन, एतद्द्वारा अतिरिक्त शासकीय अभिभाषक/अतिरिक्त लोक अभियोजक, जांजगीर-चांपा, जिला जांजगीर-चांपा के पद पर नियुक्त श्री रेवती रमन तिवारी, अधिवक्ता, जिला-जांजगीर-चांपा (छ.ग.) को शासन की ओर से पैरवी करने के लिए दिनांक 20-09-2014 से तीन वर्ष की कालावधि या 62 वर्ष जो भी पहले हो, के लिए अतिरिक्त शासकीय अभिभाषक नियुक्त करता है तथा दण्ड प्रक्रिया संहिता, 1973 (क्र. 02 सन् 1974) की धारा-24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उसी अवधि के लिए उन्हें अतिरिक्त लोक अभियोजक भी नियुक्त करता है. किसी भी पक्ष द्वारा एक माह का नोटिस देकर यह नियुक्ति समाप्त की जा सकती है.

उन्हें शासन द्वारा निर्धारित एवं समय-समय पर संशोधित रिटेनर फीस एवं अन्य फीस देय होगी. उनकी सेवा की अन्य शर्तें छ.ग. विधि विभाग मैन्युअल में निर्धारित अनुसार होगी.

उक्त संबंध में होने वाला व्यय मांग संख्या 29-2014-न्याय प्रशासन, 114-कानूनी सलाहकार और परिषद्, 3572-मुफस्सिल स्थापना, 10-व्यवसायिक सेवाओं हेतु अदायगियां, 008-शासकीय अभिभाषकों को फीस मद के अन्तर्गत प्रभारित किया जावेगा.

नया रायपुर, दिनांक 23 सितम्बर 2017

क्रमांक 8845/2699/21-ब/छ.ग./2017.—राज्य शासन, एतद्द्वारा अतिरिक्त शासकीय अभिभाषक/अतिरिक्त लोक अभियोजक, दंतेवाड़ा, जिला दंतेवाड़ा के पद पर नियुक्त श्रीमती नीलिमा वर्मा, अधिवक्ता, जिला-दंतेवाड़ा (छ.ग.) को शासन की ओर से पैरवी करने के लिए दिनांक 16-10-2016 से तीन वर्ष की कालावधि या 62 वर्ष जो भी पहले हो, के लिए अतिरिक्त शासकीय अभिभाषक नियुक्त करता है तथा दण्ड प्रक्रिया संहिता, 1973 (क्र. 02 सन् 1974) की धारा-24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उसी अवधि के लिए उन्हें अतिरिक्त लोक अभियोजक भी नियुक्त करता है. किसी भी पक्ष द्वारा एक माह का नोटिस देकर यह नियुक्ति समाप्त की जा सकती है.

उन्हें शासन द्वारा निर्धारित एवं समय-समय पर संशोधित रिटेनर फीस एवं अन्य फीस देय होगी. उनकी सेवा की अन्य शर्तें छ.ग. विधि विभाग मैन्युअल में निर्धारित अनुसार होगी.

उक्त संबंध में होने वाला व्यय मांग संख्या 29-2014-न्याय प्रशासन, 114-कानूनी सलाहकार और परिषद्, 3572-मुफस्सिल स्थापना, 10-व्यवसायिक सेवाओं हेतु अदायगियां, 008-शासकीय अभिभाषकों को फीस मद के अन्तर्गत प्रभारित किया जावेगा.

नया रायपुर, दिनांक 23 सितम्बर 2017

क्रमांक 8847/2699/21-ब/छ.ग./2017.—राज्य शासन, एतद्द्वारा अतिरिक्त शासकीय अभिभाषक/लोक अभियोजक, दंतेवाड़ा, जिला दंतेवाड़ा के पद पर नियुक्त श्री महेन्द्र कुमार जैन, अधिवक्ता, जिला-दंतेवाड़ा (छ.ग.) को शासन की ओर से पैरवी करने के लिए दिनांक 16-10-2016 से तीन वर्ष की कालावधि या 62 वर्ष जो भी पहले हो, के लिए शासकीय अभिभाषक नियुक्त करता है तथा दण्ड प्रक्रिया संहिता, 1973 (क्र. 02 सन् 1974) की धारा-24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए उसी अवधि के लिए उन्हें लोक अभियोजक भी नियुक्त करता है. किसी भी पक्ष द्वारा एक माह का नोटिस देकर यह नियुक्ति समाप्त की जा सकती है.

उन्हें शासन द्वारा निर्धारित एवं समय-समय पर संशोधित रिटेनर फीस एवं अन्य फीस देय होगी. उनकी सेवा की अन्य शर्तें छ.ग. विधि विभाग मैन्युअल में निर्धारित अनुसार होगी.

उक्त संबंध में होने वाला व्यय मांग संख्या 29-2014-न्याय प्रशासन, 114-कानूनी सलाहकार और परिषद्, 3572-मुफस्सिल स्थापना, 10-व्यवसायिक सेवाओं हेतु अदायगियां, 008-शासकीय अभिभाषकों को फीस मद के अन्तर्गत प्रभारित किया जावेगा.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
विजय कुमार होता, अतिरिक्त सचिव.

इलेक्ट्रॉनिक्स एवं सूचना प्रौद्योगिकी विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 8 नवम्बर 2017

क्रमांक एफ 4-44/56/2015/इसूप्रौ.—राज्य शासन एतद्द्वारा सेंट्रल बिजनेस डिस्ट्रिक्ट, सेक्टर 21, नया रायपुर में कमर्शियल टॉवर-"सी" के फ्लोर 2 से 11 तक को सूचना प्रौद्योगिकी क्षेत्र अधिसूचित करता है.

2. कमर्शियल टॉवर की आवंटनकर्त्ता संस्था आवश्यकता अनुसार अधिसूचित सूचना प्रौद्योगिकी क्षेत्र के परिसर को गैर सूचना प्रौद्योगिकी इकाईयों को आवंटित कर सकती है, परन्तु उन इकाईयों को "छत्तीसगढ़ राज्य की इलेक्ट्रॉनिक्स, सूचना प्रौद्योगिकी एवं सूचना प्रौद्योगिकी समर्थित सेवाओं में निवेश की नीति, 2014-19" अंतर्गत किसी भी प्रकार की छूट/प्रोत्साहन/अनुदान आदि प्राप्त करने की पात्रता नहीं होगी.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एलेक्स पॉल मेनन, संयुक्त सचिव.

राजस्व विभाग
कार्यालय, कलेक्टर, जिला बस्तर, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

जगदलपुर, दिनांक 1 नवम्बर 2017

क्रमांक क/भू-अर्जन/01/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
बस्तर	जगदलपुर	नगरनार प.ह.नं. 13	0.24	कार्यपालन अभियंता, लोक निर्माण विभाग, सेतु निर्माण संभाग, जगदलपुर.	नगरनार - नदीबोड़ना-बसेली मार्ग के कि.मी. 1/9 पर गुलझोड़ी नाला सेतु एवं पहुंच मार्ग निर्माण हेतु.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व)/भू-अर्जन अधिकारी जगदलपुर/कार्यपालन अभियंता, लोक निर्माण विभाग, सेतु निर्माण संभाग, जगदलपुर के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
धनंजय देवांगन, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला कोरबा, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

कोरबा, दिनांक 31 अक्टूबर 2017

प्रारूप-एक
(नियम 11 देखिए)

क्रमांक/17331/क/भू-अर्जन/2017.—भूमि-अर्जन, पुनर्वासन एवं पुनर्व्यवस्थापन में उचित प्रतिकर तथा पारदर्शिता का अधिकार अधिनियम, 2013 की धारा 4 सहपठित नियम 7 के अंतर्गत नीचे अनुसूची में उल्लेखित भूमि का अर्जन लोक प्रयोजन हेतु राज्य सरकार द्वारा आशयित है, अर्थात् :—

जिला (1)	तहसील (2)	नगर/ग्राम (3)	क्षेत्रफल (4)	लोक प्रयोजन का विवरण (5)
कोरबा	कोरबा	रूमगरा	0.302 हे.	दर्री-कोरबा मार्ग पर भवानी मंदिर के पास हसदेव बॅराज के डाऊन-स्ट्रीम में हसदेव नदी पर उच्च स्तरीय पुल एवं पहुंच मार्ग निर्माण.

उपरोक्त उल्लेखित भूमि के अर्जन हेतु सामाजिक समाघात निर्धारण के अध्ययन हेतु जन सुनवाई दिनांक 22-11-2017 को समय 12.00 बजे से स्थान शा. स्कूल रूमगरा (स्कूलपारा) नियत की गई है. प्रस्तावित भूमि अर्जन का अन्य विवरण निम्नानुसार है :—

1. लोक प्रयोजन का संक्षिप्त विवरण — दर्री-कोरबा मार्ग पर भवानी मंदिर के पास हसदेव बॅराज के डाऊन-स्ट्रीम में हसदेव नदी पर उच्च स्तरीय पुल एवं पहुंच मार्ग निर्माण.
2. प्रत्यक्ष रूप से प्रभावित परिवारों की संख्या — 07
3. अप्रत्यक्ष रूप से प्रभावित परिवारों की संख्या — निरंक
4. प्रभावित क्षेत्र में निजी मकानों तथा अन्य परिसम्पत्तियों की अनुमानित संख्या. — निरंक
5. प्रभावित क्षेत्र में शासकीय मकानों तथा अन्य परिसम्पत्तियों की अनुमानित संख्या. — निरंक
6. क्या प्रस्तावित अर्जन न्यूनतम है ? — हां.
7. क्या संभव विकल्पों और इसकी साध्यता पर विचार कर लिया गया है ? — हां
8. परियोजना की कुल लागत — 2400.12 लाख
9. परियोजना से होने वाला लाभ — आवागमन में सुविधा.
10. प्रस्तावित सामाजिक समाघात की प्रतिपूर्ति के लिये उपाय तथा उस पर होने वाला संभावित व्यय. — प्रस्तावित सामाजिक समाघात की प्रतिपूर्ति के लिये संभावित उपाय किये जा रहे हैं. इस हेतु अनुविभागीय अधिकारी (रा.) कोरबा को राशि 5.00 लाख का भुगतान चेक क्रमांक 110542 दिनांक 15-12-2016 के माध्यम से जमा किया गया है.
11. परियोजना द्वारा प्रभावित होने वाले अन्य घटक — निरंक

उपरोक्त भूमि अर्जन के संबंध में किसी व्यक्ति/संस्था या अन्य किसी व्यक्ति को कोई जानकारी/सुझाव देना हो, तो विहित तिथि/समय एवं स्थान पर दी जा सकेगी.

कोरबा, दिनांक 7 नवम्बर 2017

प्रारूप-एक

(नियम 11 देखिए)

क्रमांक/17612/भू-अर्जन/2017.—भूमि-अर्जन, पुनर्वासन एवं पुनर्व्यवस्थापन में उचित प्रतिकर तथा पारदर्शिता का अधिकार अधिनियम, 2013 की धारा 4 सहपठित नियम 7 के अंतर्गत नीचे अनुसूची में उल्लेखित भूमि का अर्जन लोक प्रयोजन हेतु राज्य सरकार द्वारा आशयित है, अर्थात् :—

जिला (1)	तहसील (2)	नगर/ग्राम (3)	क्षेत्रफल (4)	लोक प्रयोजन का विवरण (5)
कोरबा	कटघोरा	घमोटा	8.13 एकड़	एनटीपीसी कोरबा के राखड़ बांध निर्माण हेतु.

उपरोक्त उल्लेखित भूमि के अर्जन हेतु सामाजिक समाघात निर्धारण के अध्ययन हेतु जन सुनवाई दिनांक 16-11-2017 को समय 12.00 बजे से स्थान ग्राम घमोटा के प्राथमिक शाला भवन में नियत की गई है. प्रस्तावित भूमि अर्जन का अन्य विवरण निम्नानुसार है :—

1.	लोक प्रयोजन का संक्षिप्त विवरण	—	एनटीपीसी कोरबा के राखड़ बांध निर्माण हेतु.
2.	प्रत्यक्ष रूप से प्रभावित परिवारों की संख्या	—	49 परिवार
3.	अप्रत्यक्ष रूप से प्रभावित परिवारों की संख्या	—	निरंक
4.	प्रभावित क्षेत्र में निजी मकानों तथा अन्य परिसम्पत्तियों की अनुमानित संख्या.	—	निरंक
5.	प्रभावित क्षेत्रों में शासकीय मकानों तथा अन्य परिसम्पत्तियों की अनुमानित संख्या.	—	निरंक
6.	क्या प्रस्तावित अर्जन न्यूनतम है ?	—	हां.
7.	क्या संभव विकल्पों और इसकी साध्यता पर विचार कर लिया गया है ?	—	हां
8.	परियोजना की कुल लागत	—	रु. 235 करोड़
9.	परियोजना से होने वाला लाभ	—	2100 मेगावाट बिजली उत्पादन का राख संग्रहण.
10.	प्रस्तावित सामाजिक समाघात की प्रतिपूर्ति के लिये उपाय तथा उस पर होने वाला संभावित व्यय.	—	प्रस्तावित सामाजिक समाघात की प्रतिपूर्ति के लिये संभावित उपाय किये जा रहे हैं तथा उस पर होने वाला संभावित व्यय का प्रावधान किया गया है.
11.	परियोजना द्वारा प्रभावित होने वाले अन्य घटक	—	परियोजना से उत्पादित होने वाली बिजली से छत्तीसगढ़ सहित अन्य आठ राज्य लाभान्वित होंगे.

उपरोक्त भूमि अर्जन के संबंध में किसी व्यक्ति/संस्था या अन्य किसी व्यक्ति को कोई जानकारी/सुझाव देना हो, तो विहित तिथि/समय एवं स्थान पर दी जा सकेगी.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
मोहम्मद कैसर अब्दुलहक, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला रायगढ़, छत्तीसगढ़ एवं पदेन विशेष सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

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भू-अर्जन प्रकरण क्रमांक 07/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	उसरोट प.ह.नं. 11	0.065	कार्यपालन अभियंता, केलो परियोजना निर्माण संभाग लाखा अस्थायी मुख्यालय खरसिया रायगढ़.	केलो परियोजना के अंतर्गत केलो तारापुर माईनर नहर निर्माण हेतु (आर.डी. 875 से 1375 मी.) भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

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भू-अर्जन प्रकरण क्रमांक 08/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	रायगढ़	कोतरा प.ह.नं. 19	1.567	कार्यपालन अभियंता, केलो परियोजना निर्माण संभाग लाखा अस्थायी मुख्यालय खरसिया रायगढ़.	केलो परियोजना के अंतर्गत केलो कोतरा माईनर नहर निर्माण हेतु (आर. डी. 0 से 972 मी.) भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 11 अक्टूबर 2017

भू-अर्जन प्रकरण क्रमांक 06/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	ठाकुरपाली प.ह.नं. 09	0.081	कार्यपालन अभियंता, केलो परियोजना निर्माण संभाग लाखा अस्थायी मुख्यालय खरसिया रायगढ़.	केलो परियोजना के अंतर्गत केलो तारापुर माईनर नहर निर्माण हेतु (आर.डी. 875 से 1375 मी.) भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 नवम्बर 2017

भू-अर्जन प्रकरण क्रमांक 09/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	बेलपाली प.ह.नं. 05	0.455	कार्यपालन अभियंता, केलो परियोजना सर्वेक्षण संभाग, रायगढ़.	केलो परियोजना के अंतर्गत केलो डूमरपाली माईनर नहर निर्माण हेतु भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 नवम्बर 2017

भू-अर्जन प्रकरण क्रमांक 24/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	खोखरा प.ह.नं. 26	2.116	कार्यपालन अभियंता, केलो परियोजना निर्माण संभाग लाखा अस्थायी मुख्यालय खरसिया जिला रायगढ़.	केलो परियोजना के अंतर्गत केलो खोखरा माईनर नहर निर्माण हेतु (आर.डी. 0 से 1320 मी.) भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 नवम्बर 2017

भू-अर्जन प्रकरण क्रमांक 25/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	नवापारा प.ह.नं. 17	2.050	कार्यपालन अभियंता, केलो परियोजना निर्माण संभाग लाखा अस्थायी मुख्यालय खरसिया जिला रायगढ़.	केलो परियोजना के अंतर्गत केलो धनगांव सब माईनर निर्माण हेतु (आर.डी. 0 से 1320 मी.).

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 नवम्बर 2017

भू-अर्जन प्रकरण क्रमांक 26/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	केनसरा प.ह.नं. 15	0.720	कार्यपालन अभियंता, केलो परियोजना निर्माण संभाग लाखा अस्थायी मुख्यालय खरसिया रायगढ़.	केलो परियोजना के अंतर्गत केलो मुख्यनहर निर्माण हेतु भूमि अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 नवम्बर 2017

भू-अर्जन प्रकरण क्रमांक 27/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	डूमरपाली प.ह.नं. 05	1.443	कार्यपालन अभियंता, केलो परियोजना सर्वेक्षण संभाग, रायगढ़.	केलो परियोजना के अंतर्गत डूमरपाली माईनर नहर निर्माण हेतु भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 नवम्बर 2017

भू-अर्जन प्रकरण क्रमांक 28/अ-82/2016-17.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	कुंजेडबरी प.ह.नं. 05	0.963	कार्यपालन अभियंता, केलो परियोजना सर्वेक्षण संभाग, रायगढ़.	केलो परियोजना के अंतर्गत डूमरपाली माईनर नहर निर्माण हेतु भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 13 नवम्बर 2017

भू-अर्जन प्रकरण क्रमांक 01/अ-82/2017-18.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रायगढ़	पुसौर	तड़ोला प.ह.नं. 11	5.281	कार्यपालन अभियंता, केलो परियोजना सर्वेक्षण संभाग, रायगढ़.	झारमुड़ा शाखा नहर के अंतर्गत तड़ोला लघु एवं झारमुड़ा नहर हेतु भू-अर्जन.

भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में देखा जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अलरमेलमंगई डी., कलेक्टर एवं पदेन विशेष सचिव.

रायगढ़, दिनांक 31 अगस्त 2017

भू-अर्जन प्रकरण क्रमांक 04/अ-82/2014-15.—भू-अर्जन प्रकरण में कार्यपालन अभियंता, केलो परियोजना निर्माण संभाग, लाखा अस्थायी मुख्यालय खरसिया द्वारा ग्राम-बालमगोड़ा, प.ह.नं.-18, तहसील रायगढ़ व जिला रायगढ़ की निजी भूमि कुल रकबा 2.572 हे. केलो परियोजना अंतर्गत औराभाठा माईनर नहर केलो परियोजना रायगढ़ में निर्माण हेतु भू-अर्जन प्रस्तुत प्रस्ताव के आधार पर भू-अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 के तहत धारा-11 (1) की अधिसूचना छत्तीसगढ़ राजपत्र में दिनांक 01-05-2015 तथा धारा-19 की घोषण पत्र का प्रकाशन छ.ग. राजपत्र में दिनांक 17-06-2016 को कराया गया है.

कार्यपालन अभियंता, केलो परियोजना निर्माण संभाग, लाखा अस्थायी मुख्यालय खरसिया के द्वारा भू-अर्जन की कार्यवाही हेतु सम्मिलित उक्त भूमि नहर में प्रभावित नहीं होने के फलस्वरूप भू-अर्जन की कार्यवाही से मुक्त करने के अनुरोध पर भू-अर्जन अधिनियम की धारा-93 के क्रमांक 4 एवं 5 के अनुसार प्रत्याहरण किया जाता है.

1. प्रत्याहरण हेतु भूमि का विवरण निम्नानुसार है :—

ग्राम-बालमगोड़ा

स.क्र.	खसरा नं.	प्रकाशी रकबा हे.	अर्जित रकबा हे.	मुक्त किया गया रकबा हे.
1.	519/4	0.020	-	0.020
2.	642/1	0.024	-	0.024
3.	629/3	0.057	-	0.057
4.	567/1	0.020	-	0.020
5.	486/1	0.085	-	0.085
6.	555/2	0.004	-	0.004
7.	541/1	0.081	-	0.081
8.	551/1	0.028	0.014	0.014
9.	557/1	0.121	0.061	0.060
10.	673/1	0.089	0.049	0.040
	योग	**0.529**	**0.124**	**0.405**

2. भू-अर्जन की कार्यवाही से मुक्त किये जा रहे भूमि का ब्यौरा अनुविभागीय अधिकारी (राजस्व) रायगढ़ के कार्यालय में देखा जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
शम्मी आबिदी, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला कोरबा, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

रायगढ़, दिनांक 24 नवम्बर 2017

क्रमांक 18641/29/अ-82/2015-16.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जावेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-कोरबा
- (ख) तहसील-पाली
- (ग) नगर/ग्राम-बतरा
- (घ) लगभग क्षेत्रफल-5.66 एकड़

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
160/1	0.05
160/2	0.07
161	0.05

(1)	(2)
162	0.10
155/1	0.11
179/1	0.50
154/1	0.09
180/1	0.35
181	0.17
366/1	0.14
364	0.15
358/2	0.13
355/2	0.45
247/2	0.08
357	0.24
356	0.28
247/1	0.08
337	0.02
355/1	0.19
344	0.19
248	0.08
343	0.04
243	0.08
276	0.11
280	0.17
339	0.03
342	0.29
275	0.10
341	0.10
340	0.11
273	0.10
246	0.06
249	0.07
281	0.02
282	0.20
352/1	0.66
योग 36	5.66

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-खारून व्यपवर्तन योजना के दांयी तट नहर निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), कटघोरा के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
मोहम्मद कैसर अब्दुलहक, कलेक्टर एवं पदेन उप-सचिव.

विभाग प्रमुखों के आदेश

कार्यालय मुख्य निर्वाचन पदाधिकारी, छत्तीसगढ़
शास्त्री चौक, पुराना मंत्रालय परिसर, रायपुर

रायपुर, दिनांक 1 जून 2017

फा.क्र.-18/03/निर्वाचन याचिका/2017/428.—भारत निर्वाचन आयोग, नई दिल्ली द्वारा जारी अधिसूचना संख्या 82/छ.ग.-वि.स./(8/2014)/2017/3, दिनांक 23-05-2017 लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग एतद्द्वारा निर्वाचन अर्जी संख्या-8/2014 में दिए गए उच्च न्यायालय, छत्तीसगढ़ बिलासपुर के तारीख 24 अक्टूबर, 2016 के आदेश को राज्य के शासकीय राजपत्र में सर्वसाधारण की जानकारी हेतु प्रकाशित किया जाता है.

हस्ता./-

(डी. डी. सिंह)
मुख्य निर्वाचन पदाधिकारी.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

नई दिल्ली, तारीख 18 मई, 2017—28 वैशाख, 1939 (शक)

सं. 82/छ.ग.-वि.स./(8/2014)/2017.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्द्वारा निर्वाचन अर्जी सं. 8/2014 में दिये गये उच्च न्यायालय, छत्तीसगढ़, बिलासपुर के तारीख 24 अक्टूबर, 2016 के आदेश को प्रकाशित करता है.

HIGH COURT OF CHHATTISGARH, BILASPUR

E.P. No. 8 of 2014

Judgment reserved on 29-09-2016

Judgment delivered on 24-10-2016

PETITIONER : * Prakash Rao S/o D. Polya Aged About 56 Years R/o House No. 292/D, Post & P.S. Kondagaon, Tah. & District Kondagaon C.G.

VERSUS

RESPONDENTS : 1. Mohanlal Markam S/o Bhikhrai Markam Aged About 46 years R/o Bhelwanpadar-para, Post & P.S. Kondagaon, Tah. Distt. Kondagaon C.G.

2. Returning Officer Legislative Assembly Area No. 83, Kondagaon, Post And P.S. Kondagaon, Distt. Kondagaon C.G.

For the applicant : Mr. Prafull Bharat, Advocate with
Mr. Jitendra Pali, Advocate

For the Respondent No. 1 : Mr. B. P. Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

C. A. V. JUDGMENT

1. This election petiton is concerned with the election held in respect of Legistative Assembly Area No. 83 of Kondagaon constituency wherein the voting took place on 11-11-2013 and the result of the election was delcared on 08-12-2013 and the respondent Mohanlal Markam was declared as returned candidate. The following is the position of votes secured by the candidates :—

Name of candidate	Party	No. of votes secured
Mohanlal Markam (R-1)	Indian National Congress	54290
Lata Usendi	Bharitya Janta Party	49155
Amalsai Sori	Communist Party of India	5229
Shankar Sodhi	Independent	3711
Rajkumar Markam	Bahujan Samaj Party	3347
Mohan Markam	Independent	3060

2. The instant petition is filed by a voter Prakash Rao though he has not contested the election. The petitioner mainly claimed relief to declare the election of respondent Mohanlal Markam from Constituency Segment No. 83 Kondagaon, for the Chhattisgarh Legislative Assembly Election 2013 as illegal and void as per section 98(b) of the Representation of the People's Act, 1951. It is furhter prayed to hold that the returned candidate has committed corrupt practice at the election by exerting undue influence on the electors as prescribed u/s 123(2) of the Representation of the People Act, 1951 by way of filing false affidavit with his nomination form as per Section 99 of the Representation of the People's Act. 1951.

3. (i) Learned counsel for the petitoner Shri Prafull Bharat would submit that as per Section 100(d)(1) of the Representation of the People Act, 1951, the nomination paper of respondent No. 1 was improperly accepted thereby it would give right to the petitioner to challenge the election u/s 123(a)(ii) as respondent No. 1 has not disclosed the true facts in his affidavit that he has married twice despite the first wife was alive. Therefore, such non-discosure has caused interference with free exercise of electoral right of the petitioner as a voter if those facts were made known to people, many of people may not have voted to elect the respondent as winning candidate. It is further contended that respondent no. 1 was holding the office of profit when the nomination was filed by him, thereby respondent No. 1 has given the false affidavit.

(ii) Learned counsel would further submit that respondent no. 1 has concealed the material information regarding his second marriage in all 5 affidavits and concealed the facts. Referring to Ex. D-3 it is stated that the document shows the date to be 24-10-2013 and in the column, with respect to his description for livelihood, it is written as Senior Agency Manager, S.B.I., Life (retired) whereas in the same document at clause 9(a) about the source of income, it is stated that the salary is from SBI Life insurance Company Ltd. Further referring to the column of document, it is stated that the wife is shown as Lalita and Maina Markam is shown as dependent though Maina Markam is the wife, thereby respondent No. 1 has not disclosed that he has tow wives. Referring to the statement of P.W. 4 Vijay Kumar Dhurve it is stated that one nomination from was deposited on 22-10-2013 and the rest of 3 nomination forms were deposited on 23-10-2013 whereas Ex. D-3 is shown to be submitted on 24.10.2013, therefore, it was contended that the same document is fabricated.

(iii) It is further stated that according to such statement of Election Officer at para 14 the only date of nomination is shown as 23-10-2013. Referring to the document Ex.D-3, it is submitted that though such nominations were shown to be submitted on 24-10-2013 but actually no submission was made. Therefore, learned counsel for the petitioner submits that the returned candidate has given the wrong information which frustrates the principles laid down in *(2002) 5 SCC 294-Union of India Vs. Association, for Democratic Reforms and (2003) 4 SCC 399 People's Union for Civil Liberties (PUCL) Vs. Union of India* and stated that the candidate is required to furnish correct details pertaining to his information.

(iv) He further submitted that it is a settled law that the respondent was required to follow the guidelines or directions issued pertaining to collection, which he has failed to do so. With respect to facts of second marriage, it is submitted that the petitioner has made averments at Para 15 of the petition and referring to the statement of D.W. 1 the returned candidate it is submitted that the returned candidate admitted the fact that he had performed two marriages one with Lalita Markam and the second with Maina Markam. It is further submitted that had this fact been discolsed to the public, the voters mind would have swayed as in Indian Society second marriage is not being seen with all grace and honour, consequently, the petitioner as voter was induced on wrong facts.

(v) By making reference to Section 123(2) sub-section (a)(ii) of the Act 1950 it is further contended that the petitioner was induced by respondent No. 1 as correct facts were not disclosed by him and the picture was portrayed by the returned candidate as that of a good man. Had it been given in true perspective, the people may not have voted for him. therefore, the election of the returned candidate would fall under the corrupt practice so as to brand the election invalid.

(vi) Learned counsel furhter submitted that at the time of election the respondent was holding the office of profit. He also submit that though it is stated that prior to filling of nomination, the respondent has resigned but Ex. D-4 resignation letter would show that the resignation was accepted on 07-11-2013 and on the date of filing of nomination i.e. from 22nd October to 24th October, 2013, he was holding the office of profit. Therefore, the non-disclosure of facts has been made of holding of office of profit by the respondent. It was, therefore, contended that the election of the respondent be declared as illegal and void and accordingly the same may be set-aside.

4. Per contra, Shri B.P. Gupta, learned counsel appearing for respondent no. 1 refuted the entire averments. He would submit that the respondent/returned candidate cannot be said to have hold the office of profit on the date of filing of nomination and the facts would show that it will not be covered under Article 191 of the Constitution of India as neither the returned candidate was appointed by the Government nor his service conditions were controlled by the Central or State Government. It is stated that the applicant was an agent of State Bank of India Life Insurance Company Ltd., which is an organization established by a Public Sector Bank, therefore, the office held by him cannot be said to be the office of profit. In the alternative it is submitted that even if it is held that the respondent returned candidate was holding the office of profit, in such case the respondent has resigned and relieved from the job of the Agent on 05-10-2013. So when the nomination was filed, the returned candidate already stood relieved. It is further submitted that such objection was never raised before the scrutiny of nominations and without proper pleading and averments, bald allegations have been leveled which cannot be sustained. Counsel referred to document Annexure D-4 and would submit that from perusal of Ex. D-4 it would be clear that the respondent returned candidate has resigned before filing of the nomination papers.

5. It is further contended that in respect of corrupt practice, the petitioner had made general allegnations in the affidavit and on what basis the pleadign of corrupt practice is made, it is completely silent. It is further submitted that though the reference has been made to various paragraphs of the petition and the affidavit is filed in support of the corrupt practice but reading of those paragraphs in petition do not disclose any corrupt practice. He placed reliance on *AIR 2015 SC 180 and AIR 1999 SC 2284* and would submit that the petitioner has grossly failed in his duty to plead and prove the corrupt practice and undue influence adopted by the returned candidate and only in order to blackmail the respondent, the instant petition has been filed. It is further submitted that even for the sake of argument it is admitted that the petitioner had two wives it would not fall under disqualification which is contained as a ground for section 100 of the R.P. Act. 1951. Furehter it is also contended that neither it is pleaded nor is proved by the petitioner as to how the nomination has been wrongly accepted and only the averments have been made during the argument, therefore, such submission do not have any force to entertain this petition.

6. With respect to allegation of suppression of material facts, it is contended that in the return at paras 10 & 11, the respondent has categoriecally stated of both of his marriages and the source of livelihood i.e., the income earned as an Agent of S.B.I. Life Insurance Co. It is contended that everything was shown in the nomination paper and both the names of his two wives i.e., Lalita Markam and Maina Marka have been shown and since the column do not provide for any description of second marriage, the second wife was shown as dependent. The counsel therefore, submits that no suppression has been made by the respondent returned candidate and the petition is completely frivolous and misconceived therefore, is liable to be rejected.

7. On the basis of pleadings of parties, this Court had framed the following issues on 11-09-2014.

S. No.	issues	Findings
01.	Whether, on the date of acceptance of nomination paper, respondent No. 1/returned candidate was holding an office of profit under the Government of India or State Govt., and was disqualified to contest the election under Articel 191 (1)(A) or the Constitution of India ?	“Not proved”
02.	Whether, on the basis of pleading and materials, the case of corrupt practice as alleged by the petitioner would be made out and if yes, what would be the effect ?	“Not proved”
03.	Whether, on the basis of pleadings and documents produced by the petitioner and grounds raised in the petition, the election of the returned candidate can be set-aside ?	“No,”
04.	Whether, on the basis of pleadings and documents filed by the petitioner, the case of suppression of material information with regard to second marriage and assets and liabilities is made out and if yes, whether on this ground, the nomination was liable to be rejected ?	“No.”

8. With respect to issue no. 1 whether the respondent returned candidate was holdign office of profit, the law laid down by different dictaums of Supreme Court would be relevant with reference to the pleading and evidence. In a decision rendered in case of Maulana Abdul Shakur v. Rikhab Chand AIR 1958 SC 52 : 1958 SCR 387 the Supreme Court has laid down that the facts which are held to be decisive to decide the office of profit would be (a) the power of the Government to appoint a person to an office of profit or to continue him in that office or revoke his appointment at their discretion, and (b) payment from out of Government revenues, though it was pointed out that payment from a source other than Government revenue was not always a decisive factor. "The aforesaid principles were further followed in the case of D. R. Gurushantappa Vs. Abdul Khuddus Anwar & others abdul AIR 1969 SC 744 : 1969 (1) SCC 466 and applying the aforesaid principle it was held that even the Government undertaking is taken-over by the Company, the employee as a result of transfer of an undertaking shall continue to be the employee of the Company as the Company would have a separate entity. The same principle was adopted by the Supereme Court in case of Akalu Ram Mahto Vs. Rajendra Mahto 1999 AIR SCW 942 : AIR 1999 SC 1259 wherein it followed the decision rendered in Gurugobinda Basu v. Sankari Prasad Ghoshal AIR 1964 SC 254.

9. Therefore, certain parameters were laid down by the Supreme Court on the issue of office of profit. To hold that person is holding an office of profit under the Government, the following factors should be satisfied that whether (1) the Government is the appointing authority ; (2) the Govt. and the authority is vested with power to terminate the appointment; (3) Govt. authority determines the remuneration; (4) the source from which the remuneration is paid and (5) the authority vested with power to control the manner in which the duties of office are to be discharged. It was further held that all the factors need not be present but in a given case, if some of the elements are present it will depend on facts of each case. The Court further held that the Constitution itsell makes a destinction between "the holder of an office of profit under the Government" and "the holder of a post of service under the Government". The Constitution has also made a distinction between "the holder of an office of profit under the Government and the holder of an office of profit under a local or other authority subject to the control of the Government. *In Akalu Ram Mahto (Supra)* the Supreme Court has further held that the test was determined in case of D.R. Gurushanthappa v. Abdul Khuddus Anwar AIR 1969 SC 744 and the principles given in Gurugobinda Basu's case (AIR 1964 SC 254 (supra) were reled upon.

10. The Supreme Court in subsequent cases on the same issue has reiterated its earlier principle and held that an indirect control by the Government over the Company, the office of profit cannot be assumed as contemplated under *Article 191 in case of Gurushanthappa (supra)* a Government undertaking was transferred to a company registered under Companies Act. The shares of the Company were held by the Government. The candidate was working as a Superintendent in the Company. The power to appoint and dismiss an employee working as Superintendent did not vest in the Government. The power to control and giv directions as to the manner in which duties of office were to be performed by that work-man also did not vest in the Government. Even the power to determine the question of remuneration payable to the workman was not vested in the Government. In these circumstances, it was held that the indirect control exercisable by the Government because of its power to appoint Directors and to give general directions to the Company could not make the post as an office of profit under the Government. Therefore, the true test of determination of the said question depends upon the degree of control the Government has over it, the extent of control exercised by serveral other bodies or committees over it and their composition, the degree of its dependence on Government for its financial needs and its functional aspect, namely, whether the body is discharging any important governmental function or just some function which is merely optional for the Government.

11. Further in case of Pradyut Bordolol Vs. Swapan Roy (2201) 2 SCC 19 : AIR 2001 SC 296 the Supreme Court has held thus in Paras 6, 7 & 8.

"6. The phrase "office of profit" is not defined in the Constitution. By a series of decisions (see Abdul Shakur v. Rikhab Chand AIR 1958 SC 52; M. Ramappa v. Sangappa AIR 1958 SC 937; Guru Gobinda Basu v. Sankari Prasad Ghosal AIR 1964 SC 254 and shivamurthy Swami Inamdar v. Agadi Sanganna Andanappa (1971) 1 SCC 70, the Court has laid down the tests for finding out whether the office in question is an office of profit under a Government. These tests are (1) whether the Government makes the appontment; (2) Whether the Government has the right to remove or dismiss the holder; (3) Whether the Government pays the remuneration; (4) What are the functions of the holder ? Does he perform them for the Government; and (5) Does the Government exercise any control over the performance of those functions ?

7. In Guru Gobinda Basu v. Sankari Prasad Ghosal AIR 1964 SC 254, the Constitution Bench of Supreme Court emphasized the distinction between the holder of an office of profit under the Goverment and the holder of a post or service under the Government and hled that for holding an office of profit under the Government, one need not be in the service of Government and there need be no relationship of master and servant between them. Serveral factors entering into the determination of question are : (i) the appointing authority, (ii) the authority vested with power to terminate the appointment, (iii) the authority which determines the remuneration, (iv) the source from which the remuneration is paid, and (v) the authority vested with power to control the manner in which the duties of the office are discharged and to give directions in that behalf. But all these factors need not coexist. Mere absence of one of the factors may not negate the overall test. The decisive test for determining whether a person holds any office of profit under the Government, the Constitution Bench holds, is the test of appointment; stress on other tests will depend on facts of each case. The source from which the remuneration is paid is not by itself decisive or material.

8. The available case-law reviewed by this Court in Mdhukar G.E. Pankakar v. Jaswant Chobbildas Rajani (1977) 1 SCC 70. The Court described certain aspects as elementary: (i) for holding an office of profit under Government one need not be in the service of Government and there need be no relationship of master and servant; (ii) we have to look at the substance and not the form; and (iii) all the several factors stressed by the Court (in Guru Gobinda case) as determinative of the holding of an "office" under Government, need not be conjointly present. The critical circumstances, not the total factors, prove decisive. A practical view, not pedantic basket of tests, should act as quide.

12. On the basis of above discussion, the principles are settled that in order to decide whether a person holds an office under the Government the first and foremost question to be decided is whether the Government has power to appoint and remove the person on and from the office, If the answer is in negative, no furhter enquiry is called for, the basic determinative test having failed. If the answer is in positive one, further probe has to go on to search out that how many of the factors existed as laid down by the Supreme Court earlier.

13. Now the pleading and evidence are being examined with reference to the aforesaid principles. The petitioner has pleaded that the respondent returned candidate was drawing his salary from SBI Life Insurance Company. Except such averment, nothing has been placed on record to show that there was direct relation of master and servant existed between the respondent and Government. The respondent was said to be working in the SBI Life Insurance Company. In nomination form clause a of Ex. D-3 the Source of income has been shown as salary from SBI Life Insurcance Company. So if the direct principle is applied that whether the Government had power to appoint remove the person from the office, nothing is on record to show that the Government has control over S.B.I. Life Insurance Co. The State Bank Life Insurance is an organization and the Government may have say in the policy decision and might have share in the Company, but the inference cannot be drawn in favour of the petitioner in absence of any evidence that the Government has full control over the appointment and removal of the employees. Consequently when the test of control of power of appointment and removal is applied in the given facts of this case, the answer comes out as negative. In the result, in the facts and circumstances of this case, it is held that by mere pleading and bald statement that the respondent was holding an office of profit the same cannot be accepted. Consequently, it cannot be said that respondent returned candidate had held the office of profit which disqualified him under Article 191 (1)(a) of the Constitution of India.

14. Apart from the aforesaid fact, it can be looked into from other angle. The respondent in reply at para 12 has stated that he has resigned from SBI Life Insurance Co., Ltd., which was accepted on 15-10-2013. i.e., prior to the acceptance of nomination paper dated 23-10-2013. The documents Ex. D-2 & Ex.D-4 would be relevant which are proved by the plaintiff witness (P.W. 4) namely Vijay Kumar Dhurve who was working as Returning Officer at Kondagaon at the relevant time. At para 16 of the deposition, the witness (P.W. 4) has admitted the fact that the nomination form of Mohanlal Markam returned candidate along-with his resignation letter was submitted by him which was marked as Ex D-2. The petitioner also failed to make any positive statement against this and ambiguous averments have been made. At para 11 of the statement of petitioner (P.W. 1) he stated that he has not enquired about the fact that whether Mohanlal Markam was working in the Bank at the relevant time or not. It is stated that before one month of election he had enquired from the respondent wherein he stated that he was working in the office, However, he did not meet any officer of the Bank.

15. The witness P.W. 2 shankar Sodhi who was also one of the contesting candidate has stated that he had not raised any objection with respect to the fact that Mohanlal Markam was working in the Bank. The document Ex.D-4, which is reliving letter dated 07-11-2013 purports that it is a communication and records that with reference to resignation letter dated 11-09-2013, the respondent returned candidate was communicated to have been relieved from service with effect from 15.10.2013. The document Ex.D-2 also speaks about the resignation letter of the respondent dated 11.09.2013. It was communicated that the respondent would stand relieved from service with effect from 15-10-2013 by virtue of Ex. D-2 which is dated 21-10-2013. Therefore, on examination of nomination form which was deposited on 24-10-2013 vide Ex. D-3 it appears that before that date 24-10-2013 the respondent was relieved from service. Consequently, the inter-se relation as employer and employee, if any, also stood terminated on the date of submission of nomination form in the result, in any case, the respondent returned candidate cannot be said to have held the office of profit and was disqualified to contest the election on the date of filling of the nomination form.

16. With respect of issue nos. 2, 3 & 4, they are interlinked as such are being dealt together. The petitioner has also raised the grounds of corrupt practice. In the affidavit filed in support of corrupt practice. the petitioner has averred that the statement made in the petition at paras 12, 16, 17, 22, 23, 25, 26, 27, 28, 31, 32, 39 & 41 about the corrupt practice and undue influence are correct. The reading of the petition would disclose that the general wild averments have been made and what is the nature of corrupt practice and what corrupt practice has been made along-with the source of its information has not been pleaded.

17. The Supreme Court in case of Jeet Mohinder Singh Vs. Harminder Singh Jassi (1999) 9 SCC 386 in para 40 held that "the success of a candidate who has won at an election should not be lightly interfered with. Any petition seeking such interference must strictly conform to the requirements of the law. The Court further held that setting aside of an election involves serious consequences not only for the returned candidate and the constituency, but also for the public at large inasmuch as re-election involves an enormous load on the public funds and administration.

18. It has been further held in Jeet Mohinder Singh (Supra), that the charge of corrupt practice is quasi criminal in character. If substantiated it leads not only to the setting aside of the election of the successful candidate, but also of his being disqualified to contest an election for a certain period. It may entail extinction of a person's public life and political career. It is further held that a trial of an election petition though within the realm of civil law is akin to trial on a criminal charge. Therefore, two conseuences follow i.e, firstly, the allegations relating to commission of a corrupt practice should be sufficiently clear and stated precisely so as to afford the person charged a full opportunity of meeting the same and secondly, the charges when put to issue should be proved by clear, cogent and credible evidence. To prove charge of corrupt practice a mere preponderance of probabilities would not be enough. There would be a presumption of innocence availabel to the person charged. The charge shall have to be proved to the hilt, the standard of proof being the same as in a criminal trial (See Quamarul Islam V. S.L. Kanta AIR 1994 SC 1733, F.A. Sapa V. Singora (1991) 3 SCC 375, Manohar Joshi V. Damodar Tatyaba (1991) 2 SCC 342 and Ram Singh V. Col. Ram Singh AIR 1986 SC 3.

19. It has been further held in *Jeet Mohinder Singh (supra)* that section 83 of the Act requires every election petition to contain a concise statement of material facts on which the petitioner relies. If the election petition alleges commission of corrupt practice at the election, the election petition shall set forth full particulars of any corrupt practice including as full a statement as possibel of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice. Every election petition must be signed and verified by the appellant in the manner laid down for the verification of pleadings in CPC. An election petition alleging corrupt practice is required to be accompanied by an affidavit in Form 25 read with Rule 94-A of the Conduct of Election Rules, 1961. Form 25 contemplates the various particulars as to the corrupt practices mentioned in the election petition being verified by the appellant separately under two headings; (1) which of such statements including particulars are true to the appellant's own knowledge, and (ii) which of the statements including the particulars are true to information of the appellant. It has been held in *Gajanan Krishnaji Bapat case (supra)* that the election petitioner is also obliged to disclose his source of information in respect of the commission of the corrupt practice.

20. Further the Supreme Court in case of *Anil Vasudev Salgaonkar Vs. Naresh Kushali Shigaonkar (2009) 9 SCC 310* held at paras 51 & 57 as under.

"51. This Court in Samant N. Balkrishna v. George Fernandez (1969) 3 SCC 238 has expressed itself in no uncertain terms that the omission of a single material fact would lead to an incomplete cause of action and that an election petition without the material facts relating to a corrupt practice is not an election petition at all. In Udhav Singh Vs. Madhav Rao Scindia (1977) 1 SCC 511 the law has been enunciated that all the primary facts which must be proved by a party to establish a cause of action or his defence are material facts. In the context of a charge of corrupt practice it would mean that the basic facts which onstitute the ingredients of the particular corrupt practice alleged by the petitioner must be specified in order to succeed on the charge. Whether in an election petition a particular fact is material or not and as such required to be pleaded is dependent on the nature of the charge levelled and the circumstances of the case. All the facts which are essential to clothe the petition with complete cause of action must be pleaded and failure to plead even a single material fact would amount to disobedience of the mandate of section 83(1)(a). An election petition therefore can be and must be dismissed if it suffers from any such vice. The first ground of challenge must therefore fail.

57. It is settled legal position that all "material facts" must be pleaded by the party in support of the case set up by him within the period of limitation. Since the object and purpose is to enable the opposite party to know the case he has to meet with, in the absence of pleading, a party cannot be allowed to lead evidence. Failure to state even a single material fact will ential dismissal of the election petition. The election petition must contain a concise statement of "material facts" on which the petition relies."

21. Further in (2010) 1 SCC 466-Kattinokkula Murali Krishna v. Veeramalla Koteswara Rao the Supreme Court has held that it is a settled principle of law that evidence beyond the pleadings can neither be permitted to be adduced not can such evidence be taken into account. As such the statndard of proof was emphasized in such case law. Similar view was adopted in *(2000) 8 SCC 191-Ravinder Singh Vs. Janmeja Singh* wherein it was also held that "it is an the established proposition that no evidence can be led on a plea not raised in the pleadings and that no amount of evidence can cure defect in the pleadings."

22. In the recent decision reported in AIR 2015 SC 180 Anvar P.V. Vs. P.K. Basheer and others, the Supreme Court held in para 39 as under.

39. It is now the settled law that a charge of corrupt practice is substantially akin to a criminal charge. A two- judge Bench of this Court while dealing with the said issue in Razik Ram Vs. Jaswant Singh Chouhan and others (1975) 4 SCC 769 : AIR 1975 SC 667 held as follows.

"15. The same evidence which may be sufficient to regard a fact as proved in a civil suit, , may be considered insufficient for a conviction in a criminal action. While in the former, a mere preponderance of probability may constitute an adequate basis of decision, in the latter a far higher degree of assurance and judicial certitude is requisite for a conviction. The same is largely true about proof of a charge of corrupt practice, which cannot be established by mere balance of probabilities, and, if, after giving due consideration and effect to the totality of the evidence and circumstances of the case, the mind of the Court is left rocking wiht reasonable doubt-not being the doubt of a timid, fickle or vacillating mind- as to the veracity of the charge, it must hold the same as not proved."

The same view was followed by this Court in P.C. Thomas V. P.M. Ismail and others (2009) 10 SCC 239 : (AIR 2010 SC 905) wherein it was held as follows :

"42. As regard the decision of this Court in Razik Ram and other decisions on the issue, relied upon on behalf of the appellant, there is no quarred with the legal position that the Charge of corrupt practice is to be eqated with criminal charge and the proof required in support terheof would be as in a criminal charge and not preponderance of probabilities, as in a civil action but proof "beyond reasonable doubt." it is well settled that it after balancing the evidence adduced there still remains little doubt in proving the charge, its benefit must go to the returned candidate. However, it is equally well settled that while insisting upon the standard of proof beyond a reasonable doubt, the courts are not required to extend or stretch the doctrine to such an extereme extent as to make it well-nigh impossible to prove any allegation of corrupt practice. Such an approach would defeat and frustrate the very laudable and sacrosanct object of the Act in maintining purity of the electoral process. (Please see S Harcharan Singh v. S. Sajjan Singh)."

23. Applying the aforesaid principle to the present case, the pleading would show that it is completely vague as to what corrupt practice has been adopted. Further no evidence is on record to show the fact of corrupt practice. The petitioner has alleged that respondent returned candidate has not disclosed that he had two wives. As against this, at para 10 of the return, the respondent has averred that he is a member of Scheduled Tribe and is not governed by Hindu Marriage Act. It is further stated that in their community two marriages are permitted as per the custom. In the affidavit, the respondent has also not denied about the second wife but had explained the fact that since no separete column was in the nomination form to show the second wife, as such, the second wife was shown as dependent and the particulars of both the wives have been disclosed. At para 11 of his (D.W. 1) evidence, he had stated that he performed two marriages, the name of first wife is Lalita Markam and the name of second wife is Maina Markam. One marriage was performed according to their caste custom and another marriage was performed by priest (Pandit). The said evidence is completely unrebutted farther it is supported by EX. D-3. At column 7 of the document, it would show that wife has been shown as Lalita Markam whereas Maina Markam has been shown as dependent.

24. Therefore, close reading of the statement of respondent would show that the respondent has explained of the marriages and no suppression was made about the second wife. The argument advanced by learned counsel for the petitioner that the case would fall u/s 123 (2)(a)(ii) is completely misconceived in the given set of facts. Reading of the section would show that neither it is applicable nor is available to the petitioner. The petitioner on the contrary admitted the fact that they have never raised any objection. The witness P.W. 4 the returning officer at Para 4 has stated that he made summary enquiry and thereafter has passed the order dated 26-10-2013 which is marked as EX. P-2 and accepted the nomination form and further at para 11 he also stated that as per the form sent by the Election Commission, it do not contain any column for description of second wife and second column is meant for the wife and columns 3, 4 & 5 are of the dependents. Consequently, if such statements are read with the statement of respondent/returned candidate along-with the documents, it would reveal that no suppression of facts was made by respondent No. 1 and the petitioner has further failed to prove corrupt practice by proper pleadeing and evidence.

25. In the result, the petitioner has miserably failed to prove any allegations against the respondent and only on presumption and assumption, the petition has been preferred. After the entire examination of facts and evidence, I am of the considered view that this election petition has no merit and is liable to be dismissed. Accordingly, it is hereby dismissed. No. order as to costs.

Sd/-

GOUTAM BHADURI,
JUDGE.

आदेश से,

हस्ता./-
(के. एन. भार)
सचिव,
भारत निर्वाचन आयोग.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

New Delhi, dated 18th May, 2017—28 Vaisakha, 1939 (Saka)

No. 82/CG-LA/(8/2014)/2017.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby published Order dated the 24th October, 2016 of the High Court of Chhattisgarh Bilaspur in Election Petition No. 8 of 2014.

HIGH COURT OF CHHATTISGARH, BILASPUR

E.P. No. 8 of 2014

Judgment reserved on 29-09-2016

Judgment delivered on 24-10-2016

PETITIONER : * Prakash Rao S/o D. Polya Aged About 56 Years R/o House No. 292/D, Post & P.S. Kondagaon, Tah. & District Kondagaon C.G.

VERSUS

RESPONDENTS : 1. Mohanlal Markam S/o Bhikhrai Markam Aged About 46 years R/o Bhelwanpadar-para, Post & P.S. Kondagaon, Tah. Distt. Kondagaon C.G.

2. Returning Officer Legislative Assembly Area No. 83, Kondagaon, Post And P.S. Kondagaon, Distt. Kondagaon C.G.

For the applicant : Mr. Prafull Bharat, Advocate with
Mr. Jitendra Pali, Advocate

For the Respondent No. 1 : Mr. B. P. Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

C. A. V. JUDGMENT

1. This election petiton is concerned with the election held in respect of Legistative Assembly Area No. 83 of Kondagaon constituency wherein the voting took place on 11-11-2013 and the result of the election was delcared on 08-12-2013 and the respondent Mohanlal Markam was declared as returned candidate. The following is the position of votes secured by the candidates :—

Name of candidate	Party	No. of votes secured
Mohanlal Markam (R-1)	Indian National Congress	54290
Lata Usendi	Bharitya Janta Party	49155
Amalsai Sori	Communist Party of India	5229
Shankar Sodhi	Independent	3711
Rajkumar Markam	Bahujan Samaj Party	3347
Mohan Markam	Independent	3060

2. The instant petition is filed by a voter Prakash Rao though he has not contested the election. The petitioner mainly claimed relief to declare the election of respondent Mohanlal Markam from Constituency Segment No. 83 Kondagaon, for the Chhattisgarh Legislative Assembly Election 2013 as illegal and void as per section 98(b) of the Representation of the People's Act, 1951. It is furhter prayed to hold that the returned candidate has committed corrupt practice at the election by exerting undue influence on the electors as prescribed u/s 123(2) of the Representation of the People Act, 1951 by way of filing false affidavit with his nomination form as per Section 99 of the Representation of the People's Act. 1951.

3. (i) Learned counsel for the petitoner Shri Prafull Bharat would submit that as per Section 100(d)(1) of the Representation of the People Act, 1951, the nomination paper of respondent No. 1 was improperly accepted thereby it would give right to the petitioner to challenge the election u/s 123(a)(ii) as respondent No. 1 has not disclosed the true facts in his affidavit that he has married twice despite the first wife was alive. Therefore, such non-discosure has caused interference with free exercise of electoral right of the petitioner as a voter if those facts were made known to people, many of people may not have voted to elect the respondent as winning candidate. It is further contended that respondent no. 1 was holding the office of profit when the nomination was filed by him, thereby respondent No. 1 has given the false affidavit.

(ii) Learned counsel would further submit that respondent no. 1 has concealed the material information regarding his second marriage in all 5 affidavits and concealed the facts. Referring to Ex. D-3 it is stated that the document shows the date to be 24-10-2013 and in the column, with respect to his description for livelihood, it is written as Senior Agency Manager, S.B.I., Life (retired) whereas in the same document at clause 9(a) about the source of income, it is stated that the salary is from SBI Life insurance Company Ltd. Further referring to the column of document, it is stated that the wife is shown as Lalita and Maina Markam is shown as dependent though Maina Markam is the wife, thereby respondent No. 1 has not disclosed that he has tow wives. Referring to the statement of P.W. 4 Vijay Kumar Dhurve it is stated that one nomination from was deposited on 22-10-2013 and the rest of 3 nomination forms were deposited on 23-10-2013 whereas Ex. D-3 is shown to be submitted on 24.10.2013, therefore, it was contended that the same document is fabricated.

(iii) It is further stated that according to such statement of Election Officer at para 14 the only date of nomination is shown as 23-10-2013. Referring to the document Ex.D-3, it is submitted that though such nominations were shown to be submitted on 24-10-2013 but actually no submission was made. Therefore, learned counsel for the petitioner submits that the returned candidate has given the wrong information which frustrates the principles laid down in *(2002) 5 SCC 294-Union of India Vs. Association, for Democratic Reforms and (2003) 4 SCC 399 People's Union for Civil Liberties (PUCL) Vs. Union of India* and stated that the candidate is required to furnish correct details pertaining to his information.

(iv) He further submitted that it is a settled law that the respondent was required to follow the guidelines or directions issued pertaining to collection, which he has failed to do so. With respect to facts of second marriage, it is submitted that the petitioner has made averments at Para 15 of the petition and referring to the statement of D.W. 1 the returned candidate it is submitted that the returned candidate admitted the fact that he had performed two marriages one with Lalita Markam and the second with Maina Markam. It is further submitted that had this fact been discolsed to the public, the voters mind would have swayed as in Indian Society second marriage is not being seen with all grace and honour, consequently, the petitioner as voter was induced on wrong facts.

(v) By making reference to Section 123(2) sub-section (a)(ii) of the Act 1950 it is further contended that the petitioner was induced by respondent No. 1 as correct facts were not disclosed by him and the picture was portrayed by the returned candidate as that of a good man. Had it been given in true perspective, the people may not have voted for him. therefore, the election of the returned candidate would fall under the corrupt practice so as to brand the election invalid.

(vi) Learned counsel furhter submitted that at the time of election the respondent was holding the office of profit. He also submit that though it is stated that prior to filling of nomination, the respondent has resigned but Ex. D-4 resignation letter would show that the resignation was accepted on 07-11-2013 and on the date of filing of nomination i.e. from 22nd October to 24th October, 2013, he was holding the office of profit. Therefore, the non-disclosure of facts has been made of holding of office of profit by the respondent. It was, therefore, contended that the election of the respondent be declared as illegal and void and accordingly the same may be set-aside.

4. Per contra, Shri B.P. Gupta, learned counsel appearing for respondent no. 1 refuted the entire averments. He would submit that the respondent/returned candidate cannot be said to have hold the office of profit on the date of filing of nomination and the facts would show that it will not be covered under Article 191 of the Constitution of India as neither the returned candidate was appointed by the Government nor his service conditions were controlled by the Central or State Government. It is stated that the applicant was an agent of State Bank of India Life Insurance Company Ltd., which is an organization established by a Public Sector Bank, therefore, the office held by him cannot be said to be the office of profit. In the alternative it is submitted that even if it is held that the respondent returned candidate was holding the office of profit, in such case the respondent has resigned and relieved from the job of the Agent on 05-10-2013. So when the nomination was filed, the returned candidate already stood relieved. It is further submitted that such objection was never raised before the scrutiny of nominations and without proper pleading and averments, bald allegations have been leveled which cannot be sustained. Counsel referred to document Annexure D-4 and would submit that from perusal of Ex. D-4 it would be clear that the respondent returned candidate has resigned before filing of the nomination papers.

5. It is further contended that in respect of corrupt practice, the petitioner had made general allegnations in the affidavit and on what basis the pleadign of corrupt practice is made, it is completely silent. It is further submitted that though the reference has been made to various paragraphs of the petition and the affidavit is filed in support of the corrupt practice but reading of those paragraphs in petition do not disclose any corrupt practice. He placed reliance on *AIR 2015 SC 180 and AIR 1999 SC 2284* and would submit that the petitioner has grossly failed in his duty to plead and prove the corrupt practice and undue influence adopted by the returned candidate and only in order to blackmail the respondent, the instant petition has been filed. It is further submitted that even for the sake of argument it is admitted that the petitioner had two wives it would not fall under disqualification which is contained as a ground for section 100 of the R.P. Act. 1951. Furehter it is also contended that neither it is pleaded nor is proved by the petitioner as to how the nomination has been wrongly accepted and only the averments have been made during the argument, therefore, such submission do not have any force to entertain this petition.

6. With respect to allegation of suppression of material facts, it is contended that in the return at paras 10 & 11, the respondent has categoriecally stated of both of his marriages and the source of livelihood i.e., the income earned as an Agent of S.B.I. Life Insurance Co. It is contended that everything was shown in the nomination paper and both the names of his two wives i.e., Lalita Markam and Maina Marka have been shown and since the column do not provide for any description of second marriage, the second wife was shown as dependent. The counsel therefore, submits that no suppression has been made by the respondent returned candidate and the petition is completely frivolous and misconceived therefore, is liable to be rejected.

7. On the basis of pleadings of parties, this Court had framed the following issues on 11-09-2014.

S. No.	issues	Findings
01.	Whether, on the date of acceptance of nomination paper, respondent No. 1/returned candidate was holding an office of profit under the Government of India or State Govt., and was disqualified to contest the election under Articel 191 (1)(A) or the Constitution of India ?	"Not proved"
02.	Whether, on the basis of pleading and materials, the case of corrupt practice as alleged by the petitioner would be made out and if yes, what would be the effect ?	"Not proved"
03.	Whether, on the basis of pleadings and documents produced by the petitioner and grounds raised in the petition, the election of the returned candidate can be set-aside ?	"No,"
04.	Whether, on the basis of pleadings and documents filed by the petitioner, the case of suppression of material information with regard to second marriage and assets and liabilities is made out and if yes, whether on this ground, the nomination was liable to be rejected ?	"No."

8. With respect to issue no. 1 whether the respondent returned candidate was holdign office of profit, the law laid down by different dictaums of Supreme Court would be relevant with reference to the pleading and evidence. In a decision rendered in case of Maulana Abdul Shakur v. Rikhab Chand AIR 1958 SC 52 : 1958 SCR 387 the Supreme Court has laid down that the facts which are held to be decisive to decide the office of profit would be (a) the power of the Government to appoint a person to an office of profit or to continue him in that office or revoke his appointment at their discretion, and (b) payment from out of Government revenues, though it was pointed out that payment from a source other than Government revenue was not always a decisive factor. "The aforesaid principles were further followed in the case of D. R. Gurushantappa Vs. Abdul Khuddus Anwar & others abdul AIR 1969 SC 744 : 1969 (1) SCC 466 and applying the aforesaid principle it was held that even the Government undertaking is taken-over by the Company, the employee as a result of transfer of an undertaking shall continue to be the employee of the Company as the Company would have a separate entity. The same principle was adopted by the Supereme Court in case of Akalu Ram Mahto Vs. Rajendra Mahto 1999 AIR SCW 942 : AIR 1999 SC 1259 wherein it followed the decision rendered in Gurugobinda Basu v. Sankari Prasad Ghoshal AIR 1964 SC 254.

9. Therefore, certain parameters were laid down by the Supreme Court on the issue of office of profit. To hold that person is holding an office of profit under the Government, the following factors should be satisfied that whether (1) the Government is the appointing authority ; (2) the Govt. and the authority is vested with power to terminate the appointment; (3) Govt. authority determines the remuneration; (4) the source from which the remuneration is paid and (5) the authority vested with power to control the manner in which the duties of office are to be discharged. It was further held that all the factors need not be present but in a given case, if some of the elements are present it will depend on facts of each case. The Court further held that the Constitution itsell makes a destinction between "the holder of an office of profit under the Government" and "the holder of a post of service under the Government". The Constitution has also made a distinction between "the holder of an office of profit under the Government and the holder of an office of profit under a local or other authority subject to the control of the Government. *In Akalu Ram Mahto (Supra)* the Supreme Court has further held that the test was determined in case of D.R. Gurushanthappa v. Abdul Khuddus Anwar AIR 1969 SC 744 and the principles given in Gurugobinda Basu's case (AIR 1964 SC 254 (supra) were reled upon.

10. The Supreme Court in subsequent cases on the same issue has reiterated its earlier principle and held that an indirect control by the Government over the Company, the office of profit cannot be assumed as contemplated under *Article 191 in case of Gurushanthappa (supra)* a Government undertaking was transferred to a company registered under Companies Act. The shares of the Company were held by the Government. The candidate was working as a Superintendent in the Company. The power to appoint and dismiss an employee working as Superintendent did not vest in the Government. The power to control and giv directions as to the manner in which duties of office were to be performed by that work-man also did not vest in the Government. Even the power to determine the question of remuneration payable to the workman was not vested in the Government. In these circumstances, it was held that the indirect control exercisable by the Government because of its power to appoint Directors and to give general directions to the Company could not make the post as an office of profit under the Government. Therefore, the true test of determination of the said question depends upon the degree of control the Government has over it, the extent of control exercised by serveral other bodies or committees over it and their composition, the degree of its dependence on Government for its financial needs and its functional aspect, namely, whether the body is discharging any important governmental function or just some function which is merely optional for the Government.

11. Further in case of Pradyut Bordolol Vs. Swapan Roy (2201) 2 SCC 19 : AIR 2001 SC 296 the Supreme Court has held thus in Paras 6, 7 & 8.

"6. The phrase "office of profit" is not defined in the Constitution. By a series of decisions (see Abdul Shakur v. Rikhab Chand AIR 1958 SC 52; M. Ramappa v. Sangappa AIR 1958 SC 937; Guru Gobinda Basu v. Sankari Prasad Ghosal AIR 1964 SC 254 and shivamurthy Swami Inamdar v. Agadi Sanganna Andanappa (1971) 1 SCC 70, the Court has laid down the tests for finding out whether the office in question is an office of profit under a Government. These tests are (1) whether the Government makes the appontment; (2) Whether the Government has the right to remove or dismiss the holder; (3) Whether the Government pays the remuneration; (4) What are the functions of the holder ? Does he perform them for the Government; and (5) Does the Government exercise any control over the performance of those functions ?

7. In Guru Gobinda Basu v. Sankari Prasad Ghosal AIR 1964 SC 254, the Constitution Bench of Supreme Court emphasized the distinction between the holder of an office of profit under the Goverment and the holder of a post or service under the Government and hled that for holding an office of profit under the Government, one need not be in the service of Government and there need be no relationship of master and servant between them. Serveral factors entering into the determination of question are : (i) the appointing authority, (ii) the authority vested with power to terminate the appointment, (iii) the authority which determines the remuneration, (iv) the source from which the remuneration is paid, and (v) the authority vested with power to control the manner in which the duties of the office are discharged and to give directions in that behalf. But all these factors need not coexist. Mere absence of one of the factors may not negate the overall test. The decisive test for determining whether a person holds any office of profit under the Government, the Constitution Bench holds, is the test of appointment; stress on other tests will depend on facts of each case. The source from which the remuneration is paid is not by itself decisive or material.

8. The available case-law reviewed by this Court in Mdhukar G.E. Pankakar v. Jaswant Chobbildas Rajani (1977) 1 SCC 70. The Court described certain aspects as elementary: (i) for holding an office of profit under Government one need not be in the service of Government and there need be no relationship of master and servant; (ii) we have to look at the substance and not the form; and (iii) all the several factors stressed by the Court (in Guru Gobinda case) as determinative of the holding of an “office” under Government, need not be conjointly present. The critical circumstances, not the total factors, prove decisive. A practical view, not pedantic basket of tests, should act as quide.

12. On the basis of above discussion, the principles are settled that in order to decide whether a person holds an office under the Government the first and foremost question to be decided is whether the Government has power to appoint and remove the person on and from the office, If the answer is in negative, no furhter enquiry is called for, the basic determinative test having failed. If the answer is in positive one, further probe has to go on to search out that how many of the factors existed as laid down by the Supreme Court earlier.

13. Now the pleading and evidence are being examined with reference to the aforesaid principles. The petitioner has pleaded that the respondent returned candidate was drawing his salary from SBI Life Insurance Company. Except such averment, nothing has been placed on record to show that there was direct relation of master and servant existed between the respondent and Government. The respondent was said to be working in the SBI Life Insurance Company. In nomination form clause a of Ex. D-3 the Source of income has been shown as salary from SBI Life Insurcance Company. So if the direct principle is applied that whether the Government had power to appoint remove the person from the office, nothing is on record to show that the Government has control over S.B.I. Life Insurance Co. The State Bank Life Insurance is an organization and the Government may have say in the policy decision and might have share in the Company, but the inference cannot be drawn in favour of the petitioner in absence of any evidence that the Government has full control over the appointment and removal of the employees. Consequently when the test of control of power of appointment and removal is applied in the given facts of this case, the answer comes out as negative. In the result, in the facts and circumstances of this case, it is held that by mere pleading and bald statement that the respondent was holding an office of profit the same cannot be accepted. Consequently, it cannot be said that respondent returned candidate had held the office of profit which disqualified him under Article 191 (1)(a) of the Constitution of India.

14. Apart from the aforesaid fact, it can be looked into from other angle. The respondent in reply at para 12 has stated that he has resigned from SBI Life Insurance Co., Ltd., which was accepted on 15-10-2013. i.e., prior to the acceptance of nomination paper dated 23-10-2013. The documents Ex. D-2 & Ex.D-4 would be relevant which are proved by the plaintiff witness (P.W. 4) namely Vijay Kumar Dhurve who was working as Returning Officer at Kondagaon at the relevant time. At para 16 of the deposition, the witness (P.W. 4) has admitted the fact that the nomination form of Mohanlal Markam returned candidate along-with his resignation letter was submitted by him which was marked as Ex D-2. The petitioner also failed to make any positive statement against this and ambiguous averments have been made. At para 11 of the statement of petitioner (P.W. 1) he stated that he has not enquired about the fact that whether Mohanlal Markam was working in the Bank at the relevant time or not. It is stated that before one month of election he had enquired from the respondent wherein he stated that he was working in the office, However, he did not meet any officer of the Bank.

15. The witness P.W. 2 shankar Sodhi who was also one of the contesting candidate has stated that he had not raised any objection with respect to the fact that Mohanlal Markam was working in the Bank. The document Ex.D-4, which is reliving letter dated 07-11-2013 purports that it is a communication and records that with reference to resignation letter dated 11-09-2013, the respondent returned candidate was communicated to have been relieved from service with effect from 15.10.2013. The document Ex.D-2 also speaks about the resignation letter of the respondent dated 11.09.2013. It was communicated that the respondent would stand relieved from service with effect from 15-10-2013 by virtue of Ex. D-2 which is dated 21-10-2013. Therefore, on examination of nomination form which was deposited on 24-10-2013 vide Ex. D-3 it appears that before that date 24-10-2013 the respondent was relieved from service. Consequently, the inter-se relation as employer and employee, if any, also stood terminated on the date of submission of nomination form in the result, in any case, the respondent returned candidate cannot be said to have held the office of profit and was disqualified to contest the election on the date of filling of the nomination form.

16. With respect of issue nos. 2, 3 & 4, they are interlinked as such are being dealt together. The petitioner has also raised the grounds of corrupt practice. In the affidavit filed in support of corrupt practice. the petitioner has averred that the statement made in the petition at paras 12, 16, 17, 22, 23, 25, 26, 27, 28, 31, 32, 39 & 41 about the corrupt practice and undue influence are correct. The reading of the petition would disclose that the general wild averments have been made and what is the nature of corrupt practice and what corrupt practice has been made along-with the source of its information has not been pleaded.

17. The Supreme Court in case of Jeet Mohinder Singh Vs. Harminder Singh Jassi (1999) 9 SCC 386 in para 40 held that “the success of a candidate who has won at an election should not be lightly interfered with. Any petition seeking such interference must strictly conform to the requirements of the law. The Court further held that setting aside of an election involves serious consequences not only for the returned candidate and the constituency, but also for the public at large inasmuch as re-election involves an enormous load on the public funds and administration.

18. It has been further held in Jeet Mohinder Singh (Supra), that the charge of corrupt practice is quasi criminal in character. If substantiated it leads not only to the setting aside of the election of the successful candidate, but also of his being disqualified to contest an election for a certain period. It may entail extinction of a person’s public life and political career. It is further held that a trial of an election petition though within the realm of civil law is akin to trial on a criminal charge. Therefore, two conseuences follow i.e, firstly, the allegations relating to commission of a corrupt practice should be sufficiently clear and stated precisely so as to afford the person charged a full opportunity of meeting the same and secondly, the charges when put to issue should be proved by clear, cogent and credible evidence. To prove charge of corrupt practice a mere preponderance of probabilities would not be enough. There would be a presumption of innocence availabel to the person charged. The charge shall have to be proved to the hilt, the standard of proof being the same as in a criminal trial (See Quamarul Islam V. S.L. Kanta AIR 1994 SC 1733, F.A. Sapa V. Singora (1991) 3 SCC 375, Manohar Joshi V. Damodar Tatyaba (1991) 2 SCC 342 and Ram Singh V. Col. Ram Singh AIR 1986 SC 3.

19. It has been further held in *Jeet Mohinder Singh (supra)* that section 83 of the Act requires every election petition to contain a concise statement of material facts on which the petitioner relies. If the election petition alleges commission of corrupt practice at the election, the election petition shall set forth full particulars of any corrupt practice including as full a statement as possibel of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice. Every election petition must be signed and verified by the appellant in the manner laid down for the verification of pleadings in CPC. An election petition alleging corrupt practice is required to be accompanied by an affidavit in Form 25 read with Rule 94-A of the Conduct of Election Rules, 1961. Form 25 contemplates the various particulars as to the corrupt practices mentioned in the election petition being verified by the appellant separately under two headings; (1) which of such statements including particulars are true to the appellant’s own knowledge, and (ii) which of the statements including the particulars are true to information of the appellant. It has been held in *Gajanan Krishnaji Bapat case (supra)* that the election petitioner is also obliged to disclose his source of information in respect of the commission of the corrupt practice.

20. Further the Supreme Court in case of *Anil Vasudev Salgaonkar Vs. Naresh Kushali Shigaonkar (2009) 9 SCC 310* held at paras 51 & 57 as under.

"51. This Court in Samant N. Balkrishna v. George Fernandez (1969) 3 SCC 238 has expressed itself in no uncertain terms that the omission of a single material fact would lead to an incomplete cause of action and that an election petition without the material facts relating to a corrupt practice is not an election petition at all. In Udhav Singh Vs. Madhav Rao Scindia (1977) 1 SCC 511 the law has been enunciated that all the primary facts which must be proved by a party to establish a cause of action or his defence are material facts. In the context of a charge of corrupt practice it would mean that the basic facts which onstitute the ingredients of the particular corrupt practice alleged by the petitioner must be specified in order to succeed on the charge. Whether in an election petition a particular fact is material or not and as such required to be pleaded is dependent on the nature of the charge levelled and the circumstances of the case. All the facts which are essential to clothe the petition with complete cause of action must be pleaded and failure to plead even a single material fact would amount to disobedience of the mandate of section 83(1)(a). An election petition therefore can be and must be dismissed if it suffers from any such vice. The first ground of challenge must therefore fail.

57. It is settled legal position that all "material facts" must be pleaded by the party in support of the case set up by him within the period of limitation. Since the object and purpose is to enable the opposite party to know the case he has to meet with, in the absence of pleading, a party cannot be allowed to lead evidence. Failure to state even a single material fact will ential dismissal of the election petition. The election petition must contain a concise statement of "material facts" on which the petition relies."

21. Further in (2010) 1 SCC 466-Kattinokkula Murali Krishna v. Veeramalla Koteswara Rao the Supreme Court has held that it is a settled principle of law that evidence beyond the pleadings can neither be permitted to be adduced not can such evidence be taken into account. As such the statndard of proof was emphasized in such case law. Similar view was adopted in *(2000) 8 SCC 191-Ravinder Singh Vs. Janmeja Singh* wherein it was also held that "it is an the established proposition that no evidence can be led on a plea not raised in the pleadings and that no amount of evidence can cure defect in the pleadings."

22. In the recent decision reported in AIR 2015 SC 180 Anvar P.V. Vs. P.K. Basheer and others, the Supreme Court held in para 39 as under.

39. It is now the settled law that a charge of corrupt practice is substantially akin to a criminal charge. A two- judge Bench of this Court while dealing with the said issue in Razik Ram Vs. Jaswant Singh Chouhan and others (1975) 4 SCC 769 : AIR 1975 SC 667 held as follows.

"15. The same evidence which may be sufficient to regard a fact as proved in a civil suit, , may be considered insufficient for a conviction in a criminal action. While in the former, a mere preponderance of probability may constitute an adequate basis of decision, in the latter a far higher degree of assurance and judicial certitude is requisite for a conviction. The same is largely true about proof of a charge of corrupt practice, which cannot be established by mere balance of probabilities, and, if, after giving due consideration and effect to the totality of the evidence and circumstances of the case, the mind of the Court is left rocking wiht reasonable doubt-not being the doubt of a timid, fickle or vacillating mind- as to the veracity of the charge, it must hold the same as not proved."

The same view was followed by this Court in P.C. Thomas V. P.M. Ismail and others (2009) 10 SCC 239 : (AIR 2010 SC 905) wherein it was held as follows :

"42. As regard the decision of this Court in Razik Ram and other decisions on the issue, relied upon on behalf of the appellant, there is no quarred with the legal position that the Charge of corrupt practice is to be eqated with criminal charge and the proof required in support terheof would be as in a criminal charge and not preponderance of probabilities, as in a civil action but proof "beyond reasonable doubt." it is well settled that it after balancing the evidence adduced there still remains little doubt in proving the charge, its benefit must go to the returned candidate. However, it is equally well settled that while insisting upon the standard of proof beyond a reasonable doubt, the courts are not required to extend or stretch the doctrine to such an extereme extent as to make it well-nigh impossible to prove any allegation of corrupt practice. Such an approach would defeat and frustrate the very laudable and sacrosanct object of the Act in maintining purity of the electoral process. (Please see S Harcharan Singh v. S. Sajjan Singh)."

23. Applying the aforesaid principle to the present case, the pleading would show that it is completely vague as to what corrupt practice has been adopted. Further no evidence is on record to show the fact of corrupt practice. The petitioner has alleged that respondent returned candidate has not disclosed that he had two wives. As against this, at para 10 of the return, the respondent has averred that he is a member of Scheduled Tribe and is not governed by Hindu Marriage Act. It is further stated that in their community two marriages are permitted as per the custom. In the affidavit, the respondent has also not denied about the second wife but had explained the fact that since no separete column was in the nomination form to show the second wife, as such, the second wife was shown as dependent and the particulars of both the wives have been disclosed. At para 11 of his (D.W. 1) evidence, he had stated that he performed two marriages, the name of first wife is Lalita Markam and the name of second wife is Maina Markam. One marriage was performed according to their caste custom and another marriage was performed by priest (Pandit). The said evidence is completely unrebutted farther it is supported by EX. D-3. At column 7 of the document, it would show that wife has been shown as Lalita Markam whereas Maina Markam has been shown as dependent.

24. Therefore, close reading of the statement of respondent would show that the respondent has explained of the marriages and no suppression was made about the second wife. The argument advanced by learned counsel for the petitioner that the case would fall u/s 123 (2)(a)(ii) is completely misconceived in the given set of facts. Reading of the section would show that neither it is applicable nor is available to the petitioner. The petitioner on the contrary admitted the fact that they have never raised any objection. The witness P.W. 4 the returning officer at Para 4 has stated that he made summary enquiry and thereafter has passed the order dated 26-10-2013 which is marked as EX. P-2 and accepted the nomination form and further at para 11 he also stated that as per the form sent by the Election Commission, it do not contain any column for description of second wife and second column is meant for the wife and columns 3, 4 & 5 are of the dependents. Consequently, if such statements are read with the statement of respondent/returned candidate along-with the documents, it would reveal that no suppression of facts was made by respondent No. 1 and the petitioner has further failed to prove corrupt practice by proper pleadeing and evidence.

25. In the result, the petitioner has miserably failed to prove any allegations against the respondent and only on presumption and assumption, the petition has been preferred. After the entire examination of facts and evidence, I am of the considered view that this election petition has no merit and is liable to be dismissed. Accordingly, it is hereby dismissed. No. order as to costs.

Sd/-

GOUTAM BHADURI,
JUDGE.

By order,

Sd/-
(K. N. BHAR)
Secretary
Election Commission of India.